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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,616	06/09/2008	Seung-Myun Baek	8736.114.00	4877

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
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2443

MAIL DATE	DELIVERY MODE
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07/07/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/594,616	BAEK ET AL.	
	Examiner	Art Unit	
	ASGHAR BILGRAMI	2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34,35,38-40,44,54,57,59,66 and 68-71 is/are allowed.
- 6) ☒ Claim(s) 1,12-15,17,20,21,30,32,46,48,49,51 and 67 is/are rejected.
- 7) ☒ Claim(s) 13 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/21/2010,9/28/2006</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1,12-17,19-21,29,30,32,34,35,38-40,44,46,48-51,54,57,59 and 64-71.

DETAILED ACTION

Allowable Subject Matter

1. Claims 34, 35, 38-40, 44, 66 and 54, 57, 59, 68-71 are allowed.

Claim Objections

2. Claims 13 and 48 are objected to as allowable if incorporated into their respective independent claims.
3. 14, 15, 16, 17,19, 29, 64, 65 and 49-51, 67 are allowed by virtue of their dependence on a dependent claim that is indicated as allowable if incorporated into its corresponding independent claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim1 is rejected under 35 U.S.C. 102(b) as being anticipated by Giese (U.S.6,621,895 B1).
6. As per claim 1 Giese disclosed a data processing method for application layer based on a predetermined protocol composed of at least a lower layer and an application layer (col.3, lines 50-67), the method comprising the steps of: receiving a

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primitive from an upper application software (col.5, lines 49-58); generating a communication cycle identifier (CycleID) according to the primitive (col.5, lines 58-62); generating a service description according to the primitive and the communication cycle identifier (CycleID) (col.6, lines 3-20); composing an application layer protocol data unit (APDU) including the primitive; and transmitting the APDU to the lower layer (col.8, lines 25-28 and col.12, lines 40-49).

7. As per claim 12 Giese disclosed the method of claim 1 further comprises the step of: completing a communication cycle (col.5, lines 58-62).

8. As per claim 20 Giese disclosed the method of claim 1 further comprises the step of: after the communication cycle identifier (CycleID) is generated, searching a pre-stored service description corresponding to the generated communication cycle identifier (CycleID) (col.5, lines 58-62), so as to decide, based on the search result, whether to generate the service description (col.15, lines 50-56).

9. As per claim 21 Giese disclosed the method of claim 1 further comprises the steps of: after the primitive is received, separating a communication cycle based on an application layer service code (ALSvcCode) included in the primitive (col.16, lines 7-27); and generating a request or a notification message according to the separated communication cycle (col. 21, lines 26-42), wherein the communication cycle is separated and the request or the notification message is generated during the

composition step of the APDU (col.22, lines 1-4).

10. As per claim 30 Giese disclosed the method of claim 1 further comprises the steps of: after the primitive is received, setting a data reception function to a disable state; and generating an event message including an event code (EventCode) and a state variable (StateVariable) in the primitive, wherein the event message is included in the composing APDU (col.16, lines 18-27).

11. As per claim 32 Giese disclosed the method of claim 30 further comprises the step of: after the service description is deleted, setting the data reception function to an enable state (col.16, lines 18-27).

12. As per claim 46 Giese disclosed a data processing method for application layer based on a protocol composed of at least a lower layer and an application layer (col.3, lines 50-67), the method comprising the steps of: receiving a user response sending primitive (UserResSend) from an upper application software (col.5, lines 49-58); generating a response message according to the user response sending primitive (UserResSend) (col.5, lines 58-62); composing an application layer protocol data unit (APDU) including the response message (col.6, lines 3-20); transmitting the APDU to the network layer using a pre-stored service description; and completing a communication cycle (col.3, lines 50-67).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is indicated in PTO from 892.

14. Applicant's future amendments need to comply with the requirements of MPEP § 714.02, MPEP § 2163.04 and MPEP § 2163.06.

"with respect to newly added or amended claims, applicant should show support in the original disclosure for the new or amended claims." See MPEP § 714.02 and § 2163.06 ("Applicant should * * * specifically point out the support for any amendments made to the disclosure."); and MPEP § 2163.04 ("If applicant amends the claims and points out where and/or how the originally filed disclosure supports the amendment(s), and the examiner finds that the disclosure does not reasonably convey that the inventor had possession of the subject matter of the amendment at the time of the filing of the application, the examiner has the initial burden of presenting evidence or reasoning to explain why persons skilled in the art would not recognize in the disclosure a description of the invention defined by the claims."). See *In re Smith*, 458 F.2d 1389, 1395, 173 USPQ 679, 683 (CCPA 1972) *In re Wertheim*, 541 F.2d at 262, 191 USPQ at 96 (emphasis added).

"The use of a confusing variety of terms for the same thing should not be permitted.

New claims and amendments to the claims already in the application should be scrutinized not only for new matter but also for new terminology. While an applicant is not limited to the nomenclature used in the application as filed, he or she should make appropriate amendment of the specification whenever this nomenclature is departed from by amendment of the claims so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims. This is necessary in order to insure certainty in construing the claims in the light of the specification." *Ex parte Kotler*, 1901 C.D. 62, 95 O.G. 2684 (Comm'r Pat. 1901). See 37 CFR 1.75, MPEP § 608.01 (i) and § 1302.01.

Note that examiners should ensure that the terms and phrases used in claims presented late in prosecution of the application (including claims amended via an examiner's amendment) find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description, see 37 CFR 1.75(d)(1). If the examiner determines that the

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claims presented late in prosecution do not comply with 37 CFR 1.75(d)(1), applicant will be required to make appropriate amendment to the description to provide clear support or antecedent basis for the terms appearing in the claims provided no new matter is introduced."

"USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure." In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997). MPEP § 2106. "

The examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider each of the cited references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASGHAR BILGRAMI whose telephone number is (571)272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asghar Bilgrami/
Examiner, Art Unit 2443